

Topsfield Conservation Commission

Minutes for January 24, 2007

Topsfield Library Conference Room

Present: Walter Harmer, Chair, Wade Goldman (*arrived during the hearing for 35 Main Street*), John Olcott, Ralph Stump, Tom Warren, and Lana Spillman, Administrator.

Absent: Dylan Cadwalader

Note: These minutes were transcribed by Hilary Hafner.

Harmer called the meeting to order at 7:12 p.m.

PUBLIC HEARINGS:

Continuation NoI 307-0574: 44 Fox Run Road, (Map 39, Lot 105), Jodi Osgood/Attorney Joseph Sano. Spillman reported that she is still waiting for Mr. Osgood or his lawyer, Mr. Sano, to submit the items that DEP requested. This morning he sent a written request to continue. Stump moved to grant the request and continue to February 7, 2007. The motion was seconded and passed unanimously.

Continuation NoI 307-0578: 215 Boston Street, (Map 49, Lot 80), Town of Topsfield. Selectman Dick Gandt was present and discussed his request in the Notice of Intent. The beaver dam had been removed under an Emergency Permit and the beavers had been removed by trapping. Gandt asked for further addition of a fence/cage in front of the culvert and to maintain access to the area along the rail bed. He requested to withdraw the rest of the Notice of Intent proposal. Stump moved to close the hearing and issue an Order of Conditions under the Act and the Bylaw. The motion was seconded and passed unanimously.

Continuation NoI 307-0567: 35 Main Street, (Map 41, Lot 34), Frank Iovanella/Daniel Butler. Wayne Hunt of Fitzgerald Architects summarized what was discussed at the last hearing date. Jerry McDonald of H.L. Graham Associates explained the plan he had drawn for the proposed project. The proposal was discussed and a few changes were agreed upon. TCC asked that a Condition of the Order be that the two mature trees to be removed be replaced with noninvasive native trees. Stump moved to continue the hearing and to close at the next TCC meeting, on February 7, 2007, contingent on their submittal of a new drawing that reflects the changes requested. The motion was seconded and passed unanimously.

REQUESTS:

Continuation Extension of ORAD 307-0480: 120 High Street, (Map 49, Lot 56), Hickory Beech Realty Trust/Joseph Falzone/Beals Associates. Mr. Falzone was present along with his attorney, Mark Johnson. TCC discussed Mr. Falzone's request to know now whether the ORAD would be extended. TCC agreed the wetland line needed to be reviewed and that it must be done in season. There was discussion about errors in the original delineation. A site visit was scheduled for Sunday, April 15, at 1:00 p.m., with BSC also present. Stump moved to continue to April 25, 2007 in order to have the scheduled site visit. The motion was seconded and passed unanimously. Mr. Falzone was granted permission to add the extra hay bale line across the upper cul-de-sac of the development.

NoI 307-0566: 27 Winsor Lane, (Map 27, Lot 29), Lorraine Theokas/Wind River Environmental – Informal discussion. This hearing has not been opened. Andrew Martino was present and discussed the new plan, with an alternative system, with a smaller leaching area and significantly farther from the Bordering Vegetated Wetland. TCC informally had a favorable response to the revisions.

OLD BUSINESS, UPDATES & MISCELLANEOUS:

Warrant Articles for 2007 Annual Town Meeting: Spillman reminded the Commissioners that drafts and proposals needed to be submitted by February 7.

Tree Committee – Discussion with Committee and potential new member Barbara Jesse.

This is a subcommittee of the Conservation Commission. Barbara Jesse was present and is interested in this committee. Daniel and Grace Peabody also were present. They are landscape designers and current members of the Tree Committee. Spillman reviewed the history of the committee and the job of the Tree Warden. Ms. Jesse said she could not officially be a member of the Tree Committee, but she is willing to share her experiences as a municipal arborist for the city of Melrose. She advised developing a plan for the care of Topsfield's trees and hiring a certified arborist to be Tree Warden. Warren suggested the committee write a mission statement. Spillman will ask the Town Accountant about funding.

PUBLIC HEARINGS:

NoI 307-____: 367 Boston Street, (Map 26, Lot 15), Dinart Serpa/McKenzie Engineering Group, Inc. Olcott read the legal ad. Proof of abutter notification was submitted. Scott Cameron of McKenzie Engineering Group was present and discussed the proposal, which is to demolish the abandoned gas station and construct a "Dunkin Donuts" restaurant, reconstruction of the parking area, construction of stormwater facilities, septic system, infrastructure and associated site grading within Riverfront Area to Mile Brook and Buffer Zone of an Isolated Vegetated Wetland. The closest boundary of the Isolated Wetland was verified under ORAD 307-0504. Nearly the entire property is within Riverfront Area. The BVW flags associated with the stream have not been verified, but the approximate Buffer Zone boundary is shown on the plan. There was an in-depth discussion of the stormwater management plans. Also use of native plants for plantings, snow removal, etc., were discussed. Mr. Cameron requested a waiver of a portion of the Bylaw filing fee, which currently stands at \$6,867.15. TCC has not yet cashed the check and will consider the request. The Commission asked for an independent review of the proposal, in particular the drainage calculations and proposed stormwater features. Spillman will write a RFQ and seek at least three quotes from engineering firms. Stump moved to continue to February 7, 2007 in order to receive requested additional information, and to receive the DEP comment sheet with file number. The motion was seconded and passed unanimously. The Commissioners may visit the site at their convenience. Olcott commented that it would be a great site for a green roof.

NoI 307-____: 28 Asbury Street, (Map 21, Lot 16), Willowdale Lodge, LLC/Neve Morin Group, Inc. Olcott read the legal ad. Proof of abutter notifications was submitted. John Morin of the Neve-Morin Group represented and gave a history. The proposal is to install a septic tank that is partly within Buffer Zone and to abandon an existing leaching system within the Buffer Zone of a Bordering Vegetated Wetland. This is the same NoI that was submitted several months back. In accordance with Town Bylaws, that NoI was returned to the Applicants' representative because back taxes had not been paid. The tax issue has now been resolved. Mr.

Morin also described the site. The new septic tank would be located twice as far from the wetland as the current tank and installed within existing pavement. Spillman pointed out that the Resource Area lines have not yet been reviewed. Stump moved to continue to February 7, 2007 in order for the Commission to receive the DEP comment sheet with file number. The motion was seconded and passed unanimously.

PUBLIC MEETINGS:

Continuation RDA 2006-16: 46 Perkins Row, (Map 58, Lot 20), James Gillespie. Commissioners are waiting for a rainstorm to make a site visit.

Continuation RDA 2006-18: 41 Surrey Lane, (Map 23, Lot 3), Roy Cheever. Harmer made a site visit yesterday. There are rocks and debris along the wetland that need to be removed. Spillman will send a letter to Mr. Cheever. Stump moved to continue the meeting to February 7, 2007, in order for Mr. Cheever to be contacted.

REQUESTS:

CoC Amended 307-0383: 37 River Road, (Map 48, Lot 13), Ara Aftandilian. Harmer reported that he made a site visit with Mr. Aftandilian on December 18, 2006, and that Mr. Aftandilian has submitted a hand-drawn sketch of the of the proposed work, along with photos of the area. He described the site and work that has been completed. Conservation posts were not required in the Order. Spillman commented that silt fence remaining on the site should be removed and disposed of properly. Warren moved to grant a waiver of the requirement of an as-built plan and to issue the Certificate of Compliance. The motion was seconded and passed unanimously.

CoC Amended 307-0446: 29 River Road, (Map 48, Lot 14), Ara Aftandilian. Harmer reported that not all the conditions of the OoC have been met and that the Commission is awaiting an as-built plan, and a request for a site visit to review the work areas and inspect the conservation posts.

CoC 307-0517: 110 Main Street, (Map 32, Lot 111), Michael Waltermire. Donna Rich called Mr. Waltermire two weeks ago. The Commission has no indication from the Waltermires that they intend to secure the two Conservation posts that are falling over. Goldman moved to deny the request because they have not responded to TCC's request that the posts be stabilized. The motion was seconded and passed unanimously. Spillman will write a letter to the Waltermires explaining the reason for the denial.

OLD BUSINESS, UPDATES & MISCELLANEOUS:

32 Canterbury Hill Road, (Map 41, Lot 47), Linda & Peter Spellman – update. Goldman recused himself. Harmer reported that he received a call from an abutter telling him that 32 Canterbury Hill Road no longer is for sale. TCC agreed that the guidelines they set previously still stand: the chicken coop may remain where it is until the house changes ownership.

244 Ipswich Road, (Map 21, Lot 6), William Niland, Jr. – update. Selectman Dick Gandt was present and discussed the most recent developments. Gandt said he spoke with John Casey on Sunday. Casey had spoken with his attorney, who asked to see the deed that shows the right-of-way. As far as the Selectmen know, there is no deed. Mr. Casey said he would discuss the matter further with his attorney and get back to the Commission. The Caseys have purchased land in Boxford and

are building a house there.

102 River Road, (Map 47, Lot 49), Christopher & Alison Esposito/Essex County Greenbelt – house removal and mitigation area – update. Spillman reported that the house is still standing. She called the Commissioners' attention to a letter from the Greenbelt Association's attorney to the Espositos. They have until the end of February to remove the house.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

3rd Amended Enforcement Order: 64 Wenham Road & 255 High Street, (Map 71, Lot 22 & Map 65, Lot 1), Stephen Bernstein. No update was given.

Enforcement Order: 50 Prospect Street, (Map 48, Lot 12), John Molloy/Hancock Associates – update. John Dick told Spillman in a phone conversation last week that he is preparing a new NoI application (under the Act and Bylaw).

Enforcement Order & Ticket #2006-15, OoCs 307-0462, 39 Prospect Street, (Map 40, Lot 97), Eliot Sherr & Mary Ellen Gardiepy. Spillman is still waiting to hear from the court. She called again on January 23, 2007.

Violation Notice & Ticket #2006-18: 42 Washington Street, (Map 32, Lot 133), Matthew and Stephanie Maloney. Spillman explained that last April the Maloneys cut at least 14 trees in Buffer Zone to a Bordering Vegetated Wetland under the condition that a Request for Determination of Applicability (RDA) be filed. The first ticket was paid but the RDA was never filed. Another ticket was issued, but they neither paid it nor appealed it. Spillman sent them a letter on January 16 giving them a deadline of noon of Wednesday, January 24th, to pay the ticket or the Commission would file a complaint with the District Court. Mr. Maloney called her this afternoon. TCC agreed to give him another week to pay the fine or file an appeal. If he fails to meet the deadline, Spillman will file a complaint with the court.

Amended Enforcement Order, Violation Notice & Ticket #2006-20: 221 Washington Street, (Map 47, Lot 2), Andrzej Galka – Amended E.O. to be ratified. Goldman moved to ratify the Amended Enforcement Order. The motion was seconded and passed unanimously.

Violation Notices & Tickets #2006-27 and #2006-28: 26 Candlewood Drive, (Map 42, Lot 37) Jeffrey and Lisa Andrews, McCarthy & Son Landscaping. Harmer explained that the tickets are for cutting trees and filling in the wetland. TCC agreed to issue a further ticket if an Notice of Intent is not received by noon on January 31.

Violation Notice and Ticket #2006-34, OoC 307-557, 27 Pemberton Road, (Map 49, Lot 20), Nicholas Cox & Gia DeSantis. Spillman reported she called last week but has not heard back. TCC asked her to write a letter.

Violation Notice and Ticket #2006-35, 107 Haverhill Road, (Map 10, Lot 23), Brian Pray. The Commission is still waiting to hear from the court. Spillman called again on January 23.

Violation Notice and Ticket #2006-37, 242 Ipswich Road, (Map 21, Lot 5), Christopher & Patricia Flaherty. The Commission is still waiting to hear from the court. Spillman called again on January 23.

ADMINISTRATOR'S REPORT:

New Computer for Administrator – update: no update given.

Town Flood concerns - committee – update

Selectman Dick Gandt said that MAPC had offered the Town the opportunity to have a hazard mitigation plan prepared. The BoS has decided not to pay the \$3200 to fund the Hazard Mitigation Plan, so the Town will not be eligible for those kinds of grants. The culvert under Route 1 is a State responsibility.

Greenscapes North Shore – update: Topsfield is an official participant.

INFORMAL COMMENTS:

Spillman gave a summary of the status of the CR on the Open Space property at 120 High Street.

At 10:47 p.m. Stump moved to adjourn the meeting. The motion was seconded and passed unanimously.

Respectfully submitted,

Lana Spillman, Conservation Administrator

Approved at the TCC meeting on July 11, 2007.